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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,313

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Bernd Zieser

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12/08/2009

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EXAMINER

SULLIVAN, DEBRA M

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,313	Applicant(s) ZIESER ET AL.	
	Examiner DEBRA M. SULLIVAN	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohnenkamp (EP Patent # 256410) in view of Giacomoni (US Patent # 4,934,166). Bohnenkamp discloses a rolling device with at least two work rolls (2, 3), each of which is supported by a work roll chock (4, 5) in a rolling stand (1), wherein at least one of the work rolls (2, 3) in the rolling stand (1) can be adjusted, especially in the vertical direction, for the purpose of adjusting a desired roll gap relative to the other work roll (2, 3), wherein at least one work roll (2, 3) is operatively connected with bending devices (14), by which a bending moment can act on the work roll (2, 3), and wherein the work roll chock (4, 5) has arms that project laterally relative to the axis of the work roll (2, 3) for absorbing the force produced by the bending device (14) wherein a pressure-transmitting element (20), which can be shifted relative to the rolling stand (1), especially in the vertical direction, is installed between an element (16) of the bending device (14) that generates compressive force, especially a piston, and the projecting arm of the work chock (4, 5), such that the bending devices (14) are mounted in a block (12) rigidly mounted on the rolling stand (1), and the pressure-transmitting element (20) is supported on the block (12) by means of a guide, especially a vertical guide (24), and such that the pressure-transmitting element (20) has a U-shaped horizontal cross section and surrounds the block (12),

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at least partially, on three sides [See FIG 3], and the pressure-transmitting element (20) has an L-shaped vertical cross section perpendicular to the axis of the work roll (2, 3) and at least partially surrounds the upper side of the block (12) [See FIG 2], wherein the pressure-transmitting element (20) is supported on the rolling stand (1) by a vertical guide [the examiner is interpreting the vertical guide to be the material located between the pressure-transmitting element 20 and the chock 4 and the vertical guide supports the pressure-transmitting element via the guide 24 and block 12]. Bohnenkamp discloses the invention substantially as claimed except for wherein the element of the bending device that generates compressive force and the projecting arm of the work roll chock are positioned in such a way that the center axis of element that generates compressive force intersects the projecting arm. However, Giacomoni teaches of a rolling stand having a work roll (1) supported by a work roll chock (3) having arms (32) that project laterally relative to the axis of the work roll (1) wherein the work roll chock arm (32) extends over a bending device having an element (6) such that the element (6) of the bending device that generates compressive force and the projecting arm (32) of the work roll chock (3) are positioned in such a way that the center axis (60) of the element (6) that generates compressive force intersects the projecting arm. Therefore, it would have been obvious to one having ordinary skill in the art to substitute the work roll chock of Bohnenkamp with the work roll chock taught by Giacomoni in order to obtain the predictable result of improving transmission of the compressive force from the bending device to the work roll.

In reference to claim 2, Bohnenkamp further discloses a sliding surface is arranged between the pressure-transmitting element (20) and the projecting arm of the work roll chock (4, 5). Therefore, the combination of Bohnenkamp and Giacomoni discloses a sliding surface

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arranged between the pressure-transmitting element (20) and the projecting arm (32) of the work roll chock (3) of Giacmoni when substituted for the work roll chock (4, 5) of Bohnenkamp.

In reference to claim 5, Bohnenkamp further discloses the work rolls are provided with axial shifting devices (30-34) for axial shifting of the work rolls (2, 3), with which the work rolls (2, 3) can be brought into a desired axial position relative to the rolling stand (1) and held there [See FIG 3].

In reference to claim 6, the combination of Bohnenkamp and Giacmoni further discloses the extent of the projecting arm (32) of the work roll chock (3) of Giacmoni in the direction of the axis of the work roll (1) is large in relation to the extent of the pressure-transmitting element (20) measure in the direction of the axis at its part that is connected with the projecting arm (32), preferably at least twice as large.

In reference to claim 7, the combination of Bohnenkamp and Giacmoni further discloses the extent of the projecting arm (32) of the work roll chock (3) of Giacmoni in the direction of the axis of the work roll (1) is small in relation to the extent of the pressure-transmitting element (20) measure in the direction of the axis at its part that is connected with the projecting arm (32), preferably is no more than half as large.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohnenkamp in view of Giacmoni as applied to claim 1 above, and further in view of Sudau et al (US Patent # 6,993,951). The combination of Bohnenkamp and Giacmoni discloses the invention substantially as claimed except for wherein holding devices are installed between the block and the pressure-transmitting element. However, Sudau et al teaches of providing a holding device (30, 31) in order to hold the pressure-transmitting element (12) stationary. Therefore, it would

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have been obvious to one having ordinary skill in the art at the time the invention was made to modify the rolling stand of Bohnenkamp to include the holding device as taught by Giacomoni in order to hold the pressure-transmitting element stationary.

Response to Arguments

Applicant's arguments filed July 7, 2009 have been fully considered but they are not persuasive. Applicant argues that neither of the references gives any suggestion, nor would it be obvious to one skilled in the art, to remove parts from the construction of one reference and insert then into the construction of the other reference and that the references do not teach a vertical guide for the pressure-transmitting element which is provided on the roll stand so that the pressure-transmitting element is supported directly on the roll stand.

The Examiner respectfully disagrees. Bohnenkamp discloses the invention substantially as claimed except for wherein the bending device and the projecting arm of the work roll chock are positioned in such a way that the center axis of the bending device intersects the projecting arm. The Giacomoni reference was used simply as a teaching of providing a work roll chock having a projecting arm that extends over a bending device such that the center axis of the bending device intersects the projecting arm. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the short projecting arm of Bohnenkamp with the extended projecting arm as taught by Giacomoni in order to improve transmission of the compressive force from the bending device to the work roll. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the vertical guide for the pressure-transmitting element is provided on the roll stand and the pressure-transmitting element

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is supported directly on the roll stand) are not recited in the rejected claim(s). The claim recite the pressure-transmitting element is supported on the roll stand by a vertical guide but fails to recite that the pressure-transmitting element is directly supported on the roll stand and fails to recite the location of the vertical guide. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Sullivan whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 10am - 8pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached at (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Debra M Sullivan/
Examiner, Art Unit 3725

/Dana Ross/
Supervisory Patent Examiner, Art Unit 3725